

# TABERNASH MEADOWS WATER AND SANITATION DISTRICT

## RULES AND REGULATIONS

### TABLE OF CONTENTS

1.	General Information.....	1
1.1	Authority.....	1
1.2	Policy.....	1
1.3	Purpose.....	1
1.4	Scope.....	2
1.5	Regulations by Other Governmental Entities.....	2
1.6	Effective Date.....	2
1.7	Construction.....	2
1.8	Amendments.....	2
1.9	Saving Provision.....	2
1.10	Severability.....	2
1.11	Variances.....	2
1.12	Governing Board and District Management.....	3
2.	Definitions.....	3
2.1	Definitions.....	3
2.2	Applicant.....	3
2.3	Board.....	3
2.4	Building.....	3
2.5	CDPHE.....	3
2.6	Connection.....	3
2.7	Contractor.....	3
2.8	Cost or Costs.....	3
2.9	Customer.....	3
2.10	Deleterious Wastes.....	4
2.11	Developer.....	4
2.12	District.....	4
2.13	District Engineer.....	4
2.14	EQR.....	4
2.15	Facilities.....	4
2.16	Industrial Wastes.....	4
2.17	Licensed Plumber or Pipe Layer.....	4
2.18	Manager or District Manager.....	4
2.19	May.....	4
2.20	Normal Sewage.....	4
2.21	Permit.....	4
2.22	Person.....	5
2.23	Pre-Treatment Facilities.....	5
2.24	Prohibited Sewage.....	5
2.25	Proposed Customer.....	5
2.26	Responsible Person.....	5

2.27	Sampling.....	5
2.28	Sanitary Sewage.....	5
2.29	Service Area.....	5
2.30	Sewage.....	5
2.31	Sewer Main.....	5
2.32	Sewer Service Lines.....	5
2.33	Sewer System.....	6
2.34	Sewage Treatment Works.....	6
2.35	Shall.....	6
2.36	Special Sewage.....	6
2.37	Tap Permit.....	6
2.38	Testing.....	6
2.39	Unit.....	6
2.40	Water Mains.....	6
2.41	Water Meter.....	6
2.42	Water Service Line.....	6
2.43	Water System.....	6
2.44	Other Terms.....	7
3.	Operating Principles and Limitations .....	7
3.1	Policy .....	7
3.2	Facilities Construction Costs .....	7
3.3	Liability.....	7
3.3.1	District Not Liable .....	7
3.3.2	Officials Not Liable .....	8
3.3.3	Non-Liability for Work of Others.....	8
3.3.4	Liability of Others.....	8
3.4	District Ownership and Maintenance.....	8
3.5	Ownership and Maintenance of Water and Sewer Services Lines .....	8
3.6	Ownership and Maintenance of Water Meters and Related Assembly.....	9
3.7	Service Outside the District .....	9
3.8	Use of the District’s Easements .....	9
4.	Use of Public Water and Sewer Systems Required .....	10
4.1	Unlawful to Deposit Waste in Unsanitary Manner.....	10
4.2	Sewage Must be Treated.....	10
4.3	Sumps and Water Wells Prohibited .....	10
4.4	Use of District Water and Sewer Systems Required .....	10
4.5	District’s Power to Compel Connection .....	11
4.6	Compliance with §30-28-133(3)(d); C.R.S. ....	11
5.	Application for Service.....	11
5.1	Policy .....	11
5.2	General Rules Applicable to All Tap Permits and Connections.....	12
5.3	Application for Tap Permit .....	13
5.4	Application for Temporary Tap Permit .....	13
5.5	Application for Irrigation Tap Permit .....	14
5.6	Connection.....	14
5.7	Amended Tap Permit .....	14

- 5.8 Inclusion.....14
- 6. Service Line Construction and Connection .....17
  - 6.1 Permits and Fees.....17
  - 6.2 General Requirements.....17
  - 6.3 Service Lines.....17
    - 6.3.1 Definition.....17
    - 6.3.2 Design and Construction Specifications.....18
    - 6.3.3 Construction and Connection.....18
    - 6.3.4 Inspections.....18
    - 6.3.5 Repairs.....18
  - 6.4 Separate Service Lines.....18
    - 6.4.1 Commercial and Multi-Unit Residential Structures.....18
    - 6.4.2 Interior Lots.....18
    - 6.4.3 Shared Service Lines.....18
- 7 Main Line Extensions .....19
  - 7.1 Requirements.....19
  - 7.2 Design and Construction Specifications .....19
  - 7.3 Location of Extensions and Additions.....20
  - 7.4 Conveyance of Title and Easements .....20
  - 7.5 Main Extension Construction by the District.....20
  - 7.6 Main Extension Construction by the Applicant.....20
  - 7.7 Inspection.....20
  - 7.8 Board Discretion Concerning Extensions .....20
- 8 Use of Public Water System .....20
  - 8.1 Policy .....21
  - 8.2 Backflow Prevention and Control .....21
  - 8.3 Residential or Commercial Sprinkler Systems .....21
  - 8.4 Resale of Water.....21
  - 8.5 Water Conservation .....21
  - 8.6 Conservation Orders .....21
    - 8.6.1 Effective Date of Conservation Orders.....22
    - 8.6.2 Public Meeting to Discuss Conservation Orders .....22
  - 8.7 Use of Water Conservation Devices Encouraged .....22
  - 8.8 Enforcement.....22
- 9 Use of Public Sewer System.....22
  - 9.1 Policy and Prohibition.....22
  - 9.2 Classification of Sewage.....22
    - 9.2.1 Normal Sewage.....23
    - 9.2.2 Special Sewage .....23
    - 9.2.3 Prohibited Sewage .....23
  - 9.3 Special Sewage .....23
    - 9.3.1 Pre-Treatment .....23
    - 9.3.2 Grease, Oil and Sand Interceptors .....24
    - 9.3.3 Control Manhole.....24

9.4	Prohibited Sewage .....	24
9.5	Analysis of Sewage.....	25
9.6	Sewer Line Maintenance.....	25
9.7	Enforcement.....	25
10	Permits, Fees and Charges .....	25
10.1	Policy .....	25
10.2	Type of Service Rates .....	26
10.3	Classification of Customers .....	26
10.3.1	Single-Family Dwelling.....	26
10.3.2	Multiple-Family Dwelling .....	26
10.3.3	All Other Categories .....	26
10.3.4	Unclassified Service.....	26
10.4	Tap Permit.....	27
10.4.1	Temporary Tap Permit .....	27
10.4.2	Tap Permit Fee.....	27
10.4.3	Tap Size.....	27
10.4.4	Payment of Tap Fee.....	28
10.4.5	Delinquent Charges.....	28
10.4.6	Liens for Unpaid Charges and Fees .....	28
10.4.7	Returned Check Fee.....	28
10.5	Irrigation Tap Permit and Fee .....	29
10.6	Fire Hydrant Use Permit .....	29
10.7	Construction Water Use.....	29
10.8	Connections (See also Section 5.6) .....	24
10.8.1	Fees to be Paid .....	29
10.8.2	Connection.....	29
10.9	Main Line Extension (See also Section 7).....	30
10.9.1	Fees to be Paid .....	30
10.9.2	Main Line Extension Application .....	30
10.10	Associated District Construction and Facility Costs.....	30
10.10.1	Performance Bonds.....	30
10.10.2	Guarantee .....	31
10.11	Unauthorized Tap Connection Fee .....	31
10.12	Service Charges .....	31
10.12.1	Calculation of Service Charges.....	31
10.12.2	Surcharge for Special Sewage .....	32
10.13	Disconnection Fee .....	32
10.14	Reconnection Fee .....	32
10.15	Account Transfer Fee.....	32
10.16	Service Charge Authority.....	32
10.17	Billing Procedure .....	32
10.17.1	Service Charges, Readiness-To-Serve and Service Availability Fee .....	32
10.17.2	All Other Charges and Fees .....	32
10.17.3	Delinquent Charges.....	33
10.17.4	Liens for Unpaid Charges and Fees .....	33
10.17.5	Returned Check Fee.....	33

11	Inspections and Acceptance.....	33
11.1	Powers and Authority of Inspectors.....	33
11.2	Construction Inspections.....	34
11.3	Notice to District.....	34
11.4	Inspections.....	34
11.5	Initial Acceptance.....	34
11.6	Final Acceptance.....	34
12	Enforcement.....	34
12.1	Prohibitions.....	34
12.2	No Waste.....	34
12.3	Violations.....	34
12.4	Misdemeanor Offenses.....	35
12.5	Shut Off and Disconnection.....	35
12.6	Revocation of Service.....	35
12.7	Notice and Hearing.....	35
12.8	Costs.....	36

# TABERNASH MEADOWS WATER AND SANITATION DISTRICT

## RULES AND REGULATIONS

Revised and approved on: October 14, 2025

Appendix A – Schedule of Fees and Charges

Appendix B – Standards and Specifications

Appendix C – Pretreatment

Appendix D – Best Management Practices

Appendix E – Backflow Prevention and Cross connection Control Ordinance

Appendix F – Fire Hydrant Use Permit

Appendix G – Construction Packet

Appendix H – Drought Preparedness Program

### Section One

#### 1. GENERAL INFORMATION

- 1.1 Authority: These Rules and Regulations are adopted in accordance with the authority conferred in Title 32, Article 1 of the Colorado Revised Statutes, by the Tabernash Meadows Water and Sanitation District (“District”), a political subdivision of the State of Colorado and a quasi-municipal corporation with all the powers thereof which are specifically granted to the District, or are necessary or incidental to or implied from powers specifically granted by statute, constitution or other law, for carrying out the objectives and purposes of the District.
- 1.2 Policy: It is hereby declared that the following Rules and Regulations will serve a public purpose and will promote the health, safety, and general welfare of the inhabitants and visitors of the District.
- 1.3 Purpose: The purpose of these Rules and Regulations is to provide for the control, management, and operation of the water and sewer systems of the District, including additions, extensions and connections thereto, and to provide for the administration and enforcement of such standards. All service by the District will be available in accordance with these Rules and Regulations, and subject to the charges established therefore, and all penalties and charges for violation thereof in accordance with any statutes applicable to the District. All service by the District is subject to availability and capacity of the District’s facilities.

- 1.4 Scope: These Rules and Regulations shall be considered a comprehensive set of Rules and Regulations governing certain aspects of the control, management and operation of the District. It should be noted, however, that the Board may take action that varies from these Rules and Regulations and not every conceivable aspect of the control, management and operation of the District and its systems is covered in these Rules and Regulations. The Board of Directors of the District reserves the right to make rulings concerning variances and matters not covered herein as and when appropriate.
- 1.5 Regulations by Other Governmental Entities: Any limitation, restriction, or prohibition validly placed upon the District by any governmental entity or by any agreement between the District and any other governmental entity is hereby incorporated into these Rules and Regulations by this reference and shall constitute a limitation, restriction and/or prohibition hereunder.
- 1.6 Effective Date: These Rules and Regulations shall be effective as of April 8, 2025.
- 1.7 Construction: Nothing set forth herein shall be construed as an alteration, waiver or deviation from any grant of power, or any limitation or restriction thereof, conferred or imposed upon the District, by its service plan, the statutes, constitutional provisions, or other laws of Colorado as they currently exist and as they may exist in the future.
- 1.8 Amendments: These Rules and Regulations may be amended from time to time by a majority vote of the Board at a public meeting.
- 1.9 Saving Provision: The enactment of these Rules and Regulations, any amendment thereof, or the repeal of any prior existing Rules and Regulations or resolutions shall not deny or limit any right, action, cause of action, penalty, charge, or fee which arose under such prior provision.
- 1.10 Severability: The invalidity of any section, clause, sentence, or provision of these Rules and Regulations shall not affect the validity of any other part of these Rules and Regulations which can be given effect without such invalid part or parts, and to this end the provisions of these Rules and Regulations are hereby declared to be severable.
- 1.11 Variances: The Board of Directors of the District reserves the right to waive or modify the provisions of these Rules and Regulations at its sole discretion. Any person seeking a variance of a provision of the Rules and Regulations shall have the burden of proving that the operation of such a provision as it is applied would cause undue hardship or should not be applied to the person for another justifiable reason and such variance shall not endanger the health, safety and welfare of the residents and inhabitants of the District. The Board's decision to grant or to deny the variance shall be final and conclusive.

- 1.12 Governing Board and District Management: The District is governed by a Board of Directors (“Board”) consisting of five elected officials. Directors must be eligible electors of the District and are elected to staggered four-year terms of office at successive biennial elections. Vacancies on the Board are filled by appointment. The appointee serves until the next regular election; at which time, the vacancy is filled by election for any remaining un-expired portion of the term.

The Board holds regularly scheduled meetings and special meetings as needed. The Board may, by resolution, adopt a process to be followed by person(s) and/or representative(s) wishing to place a topic on the Board’s upcoming meeting agenda.

The District Manager manages the operations and day-to-day affairs of the District and is authorized to enforce these Rules and Regulation.

## Section Two

### **2. DEFINITIONS**

- 2.1 Definitions: Unless the context requires otherwise, the meaning of terms used herein shall be as follows:
- 2.2 Applicant: A person seeking water and/or sewer service from the District.
- 2.3 Board: The duly elected Board of Directors of the Tabernash Meadows Water and Sanitation District, which acts as the governing body of the District.
- 2.4 Building: Any structure or facility used or intended for supporting or sheltering any use or occupancy.
- 2.5 CDPHE: Colorado Department of Public Health and Environment.
- 2.6 Connection: The connection of water or sewer service lines to District main lines for either a permanent or temporary purpose, or the connection of a main line extension to a main line.
- 2.7 Contractor: Any person, corporation or other entity acting as an independent contractor, authorized by the District to perform work or furnish materials within the District, and hired by either the District or other persons or entities.
- 2.8 Cost or Costs: All costs associated with the new construction, reconstruction, expansion or dedication of any water or sewer system, including, but not limited to, all costs of associated planning, engineering, connection, inspection, administration, acquisition of facilities, right-of-way or water rights, attorney’s fees and other fees which are necessary to provide new, different or additional services within the District's service area or proposed service area.
- 2.9 Customer: Any person, as defined herein, developer, or property owner together with any lessee or tenant of such property owner, or occupant of such property

owner's property, who is supplied with service by the District or authorized to use water or connect to the District's water or sewer systems under a permit issued by the District.

- 2.10 Deleterious Wastes: Any wastes contained in special sewage (as defined herein) that would be harmful to the District's sewer mains or to the sewage treatment works, or which, without pretreatment, would violate federal, state, local, or District pretreatment standards.
- 2.11 Developer: Any person who owns land or is under contract to own land and is subdividing the land for resale and seeks to have the land served by the District.
- 2.12 District: The Tabernash Meadows Water and Sanitation District.
- 2.13 District Engineer: Person or firm that is employed or contracted, by the Board, to do engineering work for the District.
- 2.14 EQR: (Equivalent Residential Unit). An approximate measure of the level of service necessary to serve a single-family dwelling. In the case of multi-family dwellings, the measure of the level of service necessary to serve each individual single-family unit within the multi-family structure. In case of commercial property, the level of service necessary to serve the commercial use. EQRs are used to calculate the cost of tap fees in Appendix A – Schedule of Fees and Charges. (Similar terms: SFE – single-family equivalent).
- 2.15 Facilities: The District's water system and sewer system.
- 2.16 Industrial Wastes: The wastes from industrial processes, trade, or business, as distinct from sanitary sewage.
- 2.17 Licensed Plumber or Pipe Layer: A person who has been bonded and provided a license to perform the work of a plumber or pipe layer by the State of Colorado.
- 2.18 Manager or District Manager: The person employed or contracted with by the Board to administer and supervise the affairs of the District and its employees, including enforcement of the District's Rules and Regulations, supervision of the operation and maintenance of District facilities, and who shall, among other things, oversee the operation, inspection and approval of all connections, excavations, and installations, systems, and facilities.
- 2.19 May: Means "is permissive."
- 2.20 Normal Sewage: Sewage which can be treated at the District's sewage treatment works without pre-treatment and within normal operating procedures, as further defined in Section 9.2.1.
- 2.21 Permit: Written permission of the District given pursuant to these Rules and Regulations, and subject to the specific terms and conditions contained therein.

- 2.22 Person: A natural person, trust, corporation, limited liability company, or any other business entity and any governmental subdivision or agency as the context requires.
- 2.23 Pre-Treatment Facilities: Structures, devices, equipment or processes for the purpose of reducing or removing the deleterious wastes or altering the nature of the deleterious wastes in special sewage, as herein defined, commercial or industrial sewage prior to discharging such sewage into the District's sewer system.
- 2.24 Prohibited Sewage: Any sewage, which in the sole discretion of the District, cannot be serviced by the District. Prohibited Sewage is further defined in Sections 9.2.3 and 9.4.
- 2.25 Proposed Customer: Any person whose property is capable of being served by District facilities or who has applied for a tap permit, connection permit, main line extension, or inclusion and who has not yet received the service which is the object of the permit application, regardless of whether such person is already receiving other service from the District and regardless of whether they are the property owner, developer, subdivider or user.
- 2.26 Responsible Person: Any person who proximately causes an action or event and any person who directs another to cause an action or event, and any customer whose property or building was intended to be benefited by such actions.
- 2.27 Sampling: The periodic collection of water or sewage samples for testing.
- 2.28 Sanitary Sewage: Is "Normal Sewage" as defined above.
- 2.29 Service Area: The District's legal boundaries, as may be modified by inclusion or exclusion of property, and any property that the District has agreed to serve by contract outside of its legal boundaries.
- 2.30 Sewage: A combination of liquid wastes originating from any residential, commercial, or industrial buildings or other establishments, which may include household wastes, human excreta, animal or vegetable matter, organic or inorganic material in suspension or solution, and other solids in suspension or solution.
- 2.31 Sewer Main (also referred as Main in the context of the District's sewer system): Any pipe or system of piping and appurtenances used as a conduit for sewage in the District's sewer system and owned by the District. Unless otherwise designated by the Board, a sewer main shall be any line eight inches (8") or more in diameter.
- 2.32 Sewer Service Lines (also referred to as Service Line and Line in the context of the District's sewer system): Any pipe or system of piping and appurtenances used

as a conduit for sewage from a customer's property or building where sewer service is provided, to a sewer main.

- 2.33 Sewer System: All structures, facilities, equipment, and processes used for collecting, pumping, treating, and disposition of sewage.
- 2.34 Sewage Treatment Works: Those devices, facilities, structures, or locations to which sewage is conveyed by sewer mains for the purpose of treatment.
- 2.35 Shall: Means "is mandatory."
- 2.36 Special Sewage: Sewage which does not conform to the definition for normal sewage, but which can be treated by the District after pre-treatment, as further defined in Sections 9.2.2 and 9.3.
- 2.37 Tap Permit: A written certificate evidencing a property's right to receive service at a specific EQR, and the right, upon application and inspection, to connect to the District's water and/or sewer system to receive service pursuant to these Rules and Regulations.
- 2.38 Testing: In the context of water or sewage, the analysis of samples for composition, and other characteristics; in the context of construction or connection of water or sewer system facilities, the inspection and trial operation of the construction.
- 2.39 Unit: A building or portion thereof used for a single-family residence, a multi-family residence, or an individual commercial use for which separate service is provided.
- 2.40 Water Mains (also referred to as Main in the context of the District's water system): Any pipe or system of piping and appurtenances used as a conduit for water in the District's water system and owned by the District. Unless otherwise designated by the Board, a water main shall be any line four inches (4") or more in diameter.
- 2.41 Water Meter: The component part of the customer-owned water meter assembly that is used for measurement and totalizing of the gallons of water that pass through it.
- 2.42 Water Service Line (also referred to as Service Line and Line in the context of the District's water system): Any pipe, line, or conduit used to provide water service from a water main to the property or building where the water service is provided to a customer.
- 2.43 Water System: All facilities and processes for diverting, transporting, distributing, storing, pumping, treating, measuring, etc. of the water.

- 2.44 Other Terms: Any term not herein defined shall be defined as presented in the "Glossary - Water and Sewage Control Engineering", A.P.H.A, A.S.C.E., F.W.A.A., and U.P.C. latest editions.

### Section Three

## **3. OPERATING PRINCIPLES AND LIMITATIONS**

- 3.1 Policy: The District shall endeavor to provide water and sewer services in a cost-effective manner to the District's service area, and to provide for the operation, maintenance, repair and replacement of all mains, hydrants, valves, and facilities owned by the District, for the health, safety, prosperity and general welfare of the inhabitants of the District and its customers. The District reserves full right to determine all matters related to the control and use of its water and sewer systems, including the right to determine the use of the District's water and sewer systems by any person as necessary to satisfy the general purposes set forth herein.
- 3.2 Facilities Construction Costs: Notwithstanding any other provision of these Rules and Regulations to the contrary, all costs of new construction, reconstruction or expansion of any water or sewer system facilities, including all associated planning, engineering, administration and attorney's fees, which are necessary to provide new, different or additional water or sewer service within the District's service area (including but not limited to service lines, main lines, and water or sewage treatment works), shall be paid by the owner(s) of the property or building to be provided service or by another person as guaranteed by contract. The other provisions of this section apply regardless of whether the District or some other person contracts for, or initially pays for, such construction, reconstruction or expansion, or such service is compelled by the District. The Board may act other than as required in this section when it determines, in its sole discretion, that such action is in the best interest of the District, or is necessary to provide for the health, safety and welfare of the inhabitants and visitors of the District.
- 3.3 Liability:
- 3.3.1. District Not Liable: Except as provided by the Colorado Governmental Immunity Act, Section 24-10-101, *et seq.*, C.R.S. ("CGIA"), as the same may be amended from time to time, the District is immune from any claim sounding in tort and no claim for damages shall be made against the District, by reason of damage resulting from any of the circumstances governed by the CGIA including, but not limited to, the following: the condition of any main, service or supply line, pipe, cock, or water meter; failure, interruption, or inadequacy of the water or sewer services; the making of connections or extensions; sporadic, and excessive pressures; blockage in the system; failure of water and sewer facilities to be located where District's map indicates they should be; actions with respect to the water or sewer system of the District deemed necessary by the Board or its agents; inspections; the issuance or denial of any permit; and the

revocation of service to any property for violation of these Rules and Regulations.

3.3.2. Officials Not Liable: All District officials and employees are immune from suit under the CGIA, and these Rules and Regulations shall not be construed to waive any such immunity. Any public official or employee charged with the enforcement of these Rules and Regulations, acting in good faith and without malice on behalf of the District in the discharge of official duties, shall not thereby render the person personally liable for any damages which may accrue to persons or property resulting from any such act or omission committed in the discharge of such duties. Any suit or proceeding instituted against such official or employee, stemming from any act or omission performed in the enforcement or attempted enforcement of any provision of these Rules and Regulations, shall be defended by the District until final termination of the proceedings, in such a manner as to be consistent with the District's resolution indemnifying such officials and employees.

3.3.3. Non-Liability for Work of Others: The District does not assume any liability for any work performed by others.

3.3.4. Liability of Others: Any person permitted to perform any installation, repair or other interference with District water or sewer systems shall indemnify the District from any loss or damage that may occur therefrom.

3.4 District Ownership and Maintenance: Except for service lines, water meters, and as otherwise provided in these Rules and Regulations or required by the District, all existing and future water and/or sewer system facilities connected with and forming an integral part of the District's water and sewage system shall become and are the property of the District. The District shall be responsible for maintenance, repair and reconstruction of such property, including water or sewer mains, at the cost of the District, provided, however, if such repair or reconstruction is the result of a change or enlargement of use made necessary by new, different, or additional service, or damage to such facilities by a third person, such repair or reconstruction will be done at the expense of the person(s) responsible for such use or damage as set forth in Section 3.2 above. Said ownership will remain valid regardless of whether such property is constructed, financed, paid for, or otherwise acquired by the District, or by other persons. No other persons, except those authorized by the District shall have any right to enter upon, inspect, operate, adjust, change, alter, move or relocate any portion of the foregoing or any of the District's facilities.

3.5 Ownership and Maintenance of Water and Sewer Service Lines: All water and sewer service lines connected to the District's system and all appurtenances associated therewith with, such as meter assemblies, curb stops, cleanouts, grease traps, and sand/oil separators, shall comply with the District's specifications as to both materials and installation and be subject to District inspections. However,

such items shall be and remain the property of the property owner, who shall retain responsibility for maintaining and replacing the same, and shall be obligated to keep in good repair. The District is not responsible for damage resulting from leaks, stoppages, breaks, or other failures whether found in service lines, curb stops, meter assemblies or other similar appurtenances. All such leaks, stoppages, breaks, or other failures in service lines shall be promptly repaired by the property owner within seventy-two (72) hours of discovery of the same. The property owner shall be responsible for any cost to the District resulting from service line maintenance, repair, or failure. The District reserves the right to shut off water or disconnect a service line from the District's system when necessary to protect the health, safety and welfare of the inhabitants and visitors of the District or to protect its water from being wasted. In such cases, the owner shall be responsible for payment of disconnect and reconnect charges, in addition to any related costs as may be incurred by the District.

- 3.6 Ownership and Maintenance of Water Meters and Related Assembly: Water meters and assembly, including replacement meters and assembly, shall be purchased from and installed by the District. Upon installation, the person owning property that receives metered service shall be responsible for the maintenance and repair of the water meter and all other component parts making up the water meter assembly. It shall be the duty of all property owners and customers to notify the District office if a water meter and/or remote register are operating ineffectively. It shall also be the duty of all owners and customers to maintain free and clear access to the water meter and all component parts making up the water meter assembly. Upon the District's receipt of notice or if the District otherwise determines a water meter is not functioning properly, an appointment will be scheduled with the property owner or customer during normal business hours for District staff to assess and, if possible, repair the problem. If an appointment cannot be scheduled, for any reason, the District may send written notice to the property owner directing that an appointment be scheduled. If an owner has not scheduled an appointment within thirty (30) days' written notice to the property owner (certified mail or hand delivered) directing the same, the property shall be subject to penalty and enforcement procedures. The District may shutoff or disconnect service if it determines that a malfunctioning meter threatens public health, safety, and welfare.

If any water service meter shall fail to register in any billing period, the District shall charge the subject property based on the property's average water consumption over a period of time, as determined by the District Manager.

- 3.7 Service Outside the District: The Board may determine to provide water and/or sewer service to property situated outside of the District's taxing boundaries pursuant to an agreement with a developer or person that owns or has an interest in such property or with a local government organized to serve such property.
- 3.8 Use of the District's Easements: No person shall construct any permanent building or other similar structure on any of the District's easements, though they

may install temporary or removable and replaceable objects such as yard lights, mail boxes signs, fences, shrubs, flowers, or plants within the easement. If the District, in the process of exercising one or more of the rights to the use of an easement, finds it necessary to remove any of the described items, which have been placed or planted within the easement, the District shall not be responsible to replace such items after it has exercised such rights. If a person seeks to construct a permanent building or other structure on one of the District's easements, the person shall apply to the District for approval on the construction of the encroaching structure. The District approval may be in the form of a permit or agreement, as determined by the District.

#### **Section Four**

#### **4. USE OF PUBLIC WATER AND SEWER SYSTEMS REQUIRED**

- 4.1 Unlawful to Deposit Waste in Unsanitary Manner: It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the District, any human excrement, garbage, or other objectionable waste.
- 4.2 Sewage Must be Treated: It is unlawful to discharge to any natural outlet or surface or subsurface system within the District, any sewage or other polluted waters, except when suitable treatment has been provided for in accordance with these Rules and Regulations.
- 4.3 Sumps and Water Wells Prohibited: Unless otherwise approved by the Board, after the effective date of these revised Rules and Regulations, the construction of any water well or sump (including garage floor drains) within the District is prohibited. Unless otherwise approved by the Board, upon connection of the property to the District's water or sewer system, the property shall retain ownership and responsibility for any preexisting permits, wells and related water structures on the property at the time of connection and shall promptly follow the State Engineer's Standards for plugging, sealing, and abandoning the same.
- 4.4 Use of District Water and Sewer Systems Required: Except as specifically authorized by the Board, no water system or sewage disposal system shall be constructed within the District unless such system is connected with the District's sewer or water systems. The owner(s) of any parcel of land within the boundaries of the District which is subdivided subsequent to the effective date hereof, shall make application to the District for extension of its water and sewer facilities to serve said subdivision. All costs in connection with the construction of the extensions or expansion of all facilities necessary to serve new development within District shall be paid for by the owner. The owner or developer of property may enter into an agreement with the District concerning the funding and construction of facility extensions or expansion.

- 4.5 District's Power to Compel Connection: Unless otherwise agreed to by the Board, the owner(s) of all dwellings, businesses or other premises situated within the District where a water supply shall be used or residential, commercial or industrial wastes or sewage are generated, stored, or treated shall be required at the owner'(s) expense to install suitable water and sewer facilities therein and to make application for and to connect such facilities directly with the District's water and sewer system for the protection of the health, safety and welfare of the inhabitants and visitors of the District in accordance with the provisions of these Rules and Regulations, within twenty (20) days after written notice is sent by registered or certified mail to do so, provided that the water or sewer main is within four hundred (400) feet of such premises.

If such connection is not commenced within such period and completed with reasonable diligence by the owner, the District may thereupon make such connection, and the owner shall be liable for all costs incurred by the District for the completion of the connection, including any unpaid tap fees and other District charges. The District shall also have a lien of first priority on the property served for such cost and fees, and such lien shall be enforceable in accordance with the provisions of Section 32-1-1006(1)(a), C.R.S.

If an owner's service line must cross another person's property in order to connect to the District's water and sewer system at the point designated by the District, and the owner is unable to obtain the easement(s) required for such service line, the District may in its sole discretion initiate proceedings to acquire such easement(s). All costs incurred by the District in the prosecution of such proceedings, including without limitation, the amount determined to be payable as just compensation, legal fees, engineering and survey fees, appraisal fees and expert witness fees, shall be paid by the owner of the property to be connected. The amount required to be deposited with the court in order for the District to obtain possession of the property included within the easement(s) shall be paid at that time by the owner of the property to be connected. The District shall have a lien of first priority on the building to be connected and the property on which they are located for all such costs and fees, and such lien shall be enforceable in accordance with the provisions of Section 32-1-1006(1)(a), C.R.S.

- 4.6 Compliance with Section 30-28-133(3)(d), C.R.S. In order to comply with the requirements of Section 30-28-133(3)(d), C.R.S. for reliance upon water service from the District, a developer must obtain the District's confirmation of the District's willingness to serve the proposed subdivision in writing, which may include conditions precedent.

### Section Five

## **5. APPLICATION FOR SERVICE**

- 5.1 Policy: Service shall be furnished in accordance with these Rules and Regulations as they may be amended from time to time to property located within or outside

the District only after all fees and charges have been paid and all required permits have been issued and all required inspections have been made. The District offers service on a first-come, first-serve basis, and capacity in the District's systems is reserved by tap purchase. Development pays its way and neither the District nor its existing customers shall be required to subsidize the development of any property.

5.2 General Rules Applicable to All Tap Permits and Connections:

- 5.2.1. Every applicant for new service must make a request to the District in writing.
- 5.2.2. An applicant shall complete and follow the Construction Packet attached as Exhibit G to these Rules and Regulations.
- 5.2.3. Upon approval of such request by the District, a tap permit number shall be assigned to the applicant's property if a number has not yet been assigned. Upon payment of a tap fee, the District shall issue with or without conditions, a tap permit stating the applicable EQR and entitling the applicant to connect to the District's system and receive service pursuant to these Rules and Regulations.
- 5.2.4. If an expansion of District facilities or the extension of District mains is necessary to serve the applicant's property, the District shall condition the issuance of tap permits upon completion of the expansion or extension at the sole cost and expense of the applicant and in accordance with the terms of these Rules and Regulations.
- 5.2.5. A tap permit issued to an applicant is applicable only to the real property and building or portion thereof and uses specified on the permit, and all rights under the permit shall be deemed to be automatically conveyed with title to such property. The permit shall not be transferable for use on other property, or for use on other buildings on the property; except that upon written request, transfer of a permit for use on other buildings on the same property or on other property under common ownership may be approved by the District in its sole discretion. Each tap permit shall allow only one service line connection to a main line.
- 5.2.6. Issuance of any approval or permit by the District does not authorize a person to make any cut in a public road or street or to do anything for which separate permission is required of another governmental or nonprofit entity.
- 5.2.7. The Board retains, in its sole discretion, the right to deny an application for service, when the granting of the application would not be in the best interest of the District or public health, safety, and welfare. The factors that the Board may consider include, but are not limited to, the following: whether adequate water rights, water storage rights, and related water

facilities are available and will be available in the future to serve the development proposed for the property; the impact of the proposed service on the District's existing water and sewer service treatment, transmission, and storage facilities; the economic effect that the approval of the application would have on the District; and whether the granting of the application would adversely affect the public health, welfare and safety of the District, its residents and property owners.

5.2.8. The issuance of a tap permit shall not entitle any customer to obtain continuing services from the District. Each tap permit and connection shall be subject to each of the provisions of these Rules and Regulations, as they may be amended from time to time, and shall be subject to each of the conditions and limitations set forth herein. Failure to abide by these Rules and Regulations may result in the imposition of costs, fines and charges, including such amounts as may be incurred by the District in attorney's fees and other costs in connection with formal or informal enforcement action, and may result in disconnection of service.

5.3 Application for Tap Permit: A proposed customer seeking service from the District, shall submit an Application for Water and Sewer Tap Permit, on the District's standard form. Unless varied by prior written agreement approved by the Board, a tap fee is due no later than the date upon which a building permit is issued, and if no building permit is required for a proposed new connection or use, prior to making the new connection or use. Property that includes into the District shall pay tap fees based on the number of EQR proposed for the inclusion property upon recordation of the court order granting such inclusion. For all structures other than single-family residences, building plans that include adequate information regarding the project's requirements for potable water, irrigation (if any), fire protection and sewer shall be submitted with the tap application.

5.4 Application for Temporary Tap Permit: The Board may, in its sole discretion, issue a temporary water and/or sewer tap if it determines that good cause for such connection has been shown. Persons seeking temporary service from the District for property within the District shall submit an application for a temporary tap accompanied by the appropriate fee, which shall be set forth by written agreement. The payment of such fee shall be nonrefundable but, if determined by the District, may be credited to a permanent tap purchase. Upon approval by the District, a temporary tap permit will be issued. A service charge fee for a temporary connection will be imposed in the same manner as it would, had the connection been permanent, however, the Board may determine equitable fees or rates for temporary service on a case-by-case basis when necessary to consider the impact on the District of providing temporary service. A temporary connection privilege shall terminate on the date set forth in the temporary permit, unless the District determines to extend the privilege in writing. Unless the Board

determines otherwise, all requests for service for a period exceeding one (1) year shall be deemed as being for a permanent purpose.

- 5.5 Application for Irrigation Tap Permit: Any outdoor water use by multifamily or commercial property shall be pursuant to a separate irrigation tap permit and agreement with the District. The Board may, in its sole discretion, issue an irrigation tap for specific property if the same can be accomplished in accordance with all restrictions applicable to the District's water rights and based upon other factors considered by the Board.
- 5.6 Connection: The issuance of a tap permit shall not entitle a property to connect a service line to a service main. The owner of property with a tap permit shall request an inspection of the line and connection, accompanied by the appropriate fee(s), prior to connection to the District's lines. See Section 6.3.4. No connection shall occur until all required inspections have been made and all installations as required by these Rules and Regulations have been approved by the District Manager. See Section 10.8
- 5.7 Amended Tap Permit: If, subsequent to the issuance of a tap permit, the size, use or other classification factor of a property changes, the owner shall so advise the District and, if the District deems the change to be one requiring a greater level of service, meter size, or other adjustment as set forth in Appendix A – Schedule of Fees and Charges, it shall so advise the owner who shall then be required, as a condition of continued service, to apply for an amended tap permit and pay such additional fees as applicable. If the owner fails to advise the District, and the District discovers such adjustment, the District may, as a condition of continued service, require the owner to apply for an amended tap permit and pay such additional fees as applicable.
- 5.8 Inclusion: Where it is desirable and technically feasible to provide water and sewer services to real property outside the District, it shall be necessary, unless set forth by agreement, prior to providing such service, to formally extend the District's boundaries to include such property in accordance with statute. The applicant shall submit a petition for inclusion as required by Colorado Revised Statutes and as hereinafter provided for and pay all applicable fees and charges as established by the Board. The petition shall include all land owned by the applicant that is contiguous to the parcel for which service is desired; however, this requirement may be waived by the Board.
- 5.8.1. All District costs relating to the inclusion of property into the District shall be paid by the applicant for inclusion, including not only the actual costs related to the inclusion process, such as title work, engineering and legal fees, but also any cost made necessary to serve the property, including but not limited to any facility upgrade or expansion. Neither the District nor its residents shall be required to subsidize the development of any newly included property.

5.8.2. Every applicant for inclusion shall dedicate senior water rights, water storage rights, and related water facilities to the District in an amount and of a quality adequate, in the judgment of the Board, to serve said property or subdivision; or, in the sole discretion of the Board, monetary compensation, as fee in lieu, defined as a water resources fee, adequate to purchase or compensate for water rights, water storage rights, and related water facilities to provide such service. The owner of said property shall convey these rights or monies to the District free and clear of all liens and encumbrances upon the recordation of an order of inclusion for the property into the District. In no event shall the District be obligated to reimburse the applicant for funds expended by the applicant or for costs incurred by the District related to any such water rights, water storage rights and water related facilities, including any water court applications.

5.8.3. The inclusion process shall be commenced by the filing of a petition with the Board as required by statute, which shall include an initial deposit and execution of a pre-inclusion agreement. The inclusion petition shall contain or be accompanied by the following information:

5.8.3.1.A legal description of the property to be included, setting forth the total acreage, together with proof of current title.

5.8.3.2.A survey of the property, showing its location with respect to the District's existing boundaries and facilities.

5.8.3.3.The existing zoning for the property together with any proposed changes, including all documents submitted to Grand County pertaining to such rezoning request.

5.8.3.4.A description of the proposed uses of the property, including:

5.8.3.4.1. The proposed total population for the property, including a breakdown into types of uses such as single-family, multi-family, commercial, irrigation, recreational uses, etc.

5.8.3.4.2. The proposed maximum population density for each area of the property, including the number of acres to be used for various types of uses, together with an indication of lot sizes, irrigated acreage, and water and sewer requirements, and any limitations proposed on water usage.

5.8.3.4.3. The number of acres to be dedicated to open space, green belts, and parks and the anticipated location of each such area, a description of the proposed ground cover and the irrigation water requirements for each such area.

- 5.8.3.4.4. Detailed engineering plans on how the petitioners' propose that water and sewer service be provided, including cost estimates of all facilities.
- 5.8.3.4.5. Any other pertinent facts that will assist the District in considering the request for inclusion, in the Board's sole discretion.
- 5.8.3.4.6. Any additional information reasonably requested by the Manager
- 5.8.3.5. The proposed development schedule.
- 5.8.3.6. A complete description of all water rights, water storage rights, and water related facilities associated with or acquired for the property, including proof of ownership, copies of all court decrees and well permits, etc.
- 5.8.3.7. Upon request by the District, a full financial statement and balance sheet of the petitioner, and an ownership and encumbrance report or TBD commitment, dated within thirty (30) days of the application, for the property.
- 5.8.4. A pre-inclusion agreement shall require the applicant to make a deposit to cover all District costs related to the inclusion. The District will draw on the deposit as necessary to cover such costs, and the applicant shall replenish the deposit as needed. The District shall return to the applicant any remaining deposit after the inclusion process is complete and all District costs have been accounted for.
- 5.8.5. The Board shall conduct a hearing as provided by the Colorado Revised Statutes on whether the petition for inclusion should be granted or denied, in whole or in part. The Board shall decide, in its sole discretion, whether serving the property described in the petition is feasible and whether the granting of the petition is in the best interest of the District and its existing residents and property owners. The Board may withhold entry of any final order approving inclusion until the petitioner has entered into an agreement which details the terms and conditions of inclusion and provides for payment of all fees and costs or sufficient security therefor. The Board's action granting or denying the petition for inclusion shall be final and conclusive.
- 5.8.6. Any District commitment to provide service to the property described in the petition or finally included into the District shall be deemed a commitment to reserve service capacity for the petitioner upon payment of applicable tap fees, satisfaction of any conditions that may be set forth therein, and the property's continued compliance with these Rules and

Regulations, but shall not vest the petitioner with any property or development rights. Tap fees for the total EQR to be served by inclusion property shall be due no later than recordation of and order of inclusion for the property, unless otherwise set forth by written agreement. If a property is platted upon inclusion, the owner shall allocate the number of EQR for each single-family lot, multi-family unit, and/or commercial use, and a tap permit shall be issued. If property is unplatted, a tap permit shall be issued for the property listing the total EQR for the property, and the owner shall each single-family lot, multi-family unit, and/or commercial use, upon the platting of all or a portion of the property. If property is replatted, the owner may redistribute the total EQR for such property upon replat. All EQR determinations or redistribution shall be made pursuant to the tap fee schedule set forth in Appendix A – Schedule of Fees and Charges.

## **Section Six**

### **6. SERVICE LINE CONSTRUCTION AND CONNECTION**

- 6.1 **Permits and Fees:** No service line shall be constructed within the District nor connected to the District's water or sewer system until all fees have been paid, and applicable permits have been issued by the District as provided in these Rules and Regulations.
- 6.2 **General Requirements:** All service lines connected to the District's systems shall comply with the District's specifications as shown in Appendix B – Standards and Specifications as to both materials and installation, and shall be installed, owned and maintained by the property owner. The District shall approve a service line's design prior to installation, inspect the initial installation of a service line as well as its connection to the District's system, and may enter upon the owner's property to inspect, and operate the curb stop and curb box, valve and valve box, as it deems necessary thereafter. Installation of service lines is prohibited between October 1<sup>st</sup> and April 15<sup>th</sup> unless such installation is approved by the District in writing. The District is not responsible for providing or maintaining any booster pumps required to provide adequate water pressure to any property except by prior written agreement. The District is not responsible for providing or maintaining any sewerage lift station on any property except by prior written agreement.
- 6.3 **Service Lines:**
- 6.3.1. **Definition:** Water service lines include existing or newly installed water tap fixtures (saddles, direct tap or associated fittings) to mains and line to curbstop, curbstop, booster pump, line to building and associated water meter and fittings. Sewer service lines include sewer tap fixtures to mainline (including saddles, direct tap fittings and wyes), lift station, line

to house and clean-out. Service lines, including the connection, are improvements to the property and the responsibility of the owner, whether the improvement is on the property or in a right-of-way.

- 6.3.2. Design and Construction Specifications: Service lines shall be designed and installed in accordance with the specifications set forth in Appendix B – Standards and Specifications. All contractors, licensed plumbers and others doing work within the District shall comply with these requirements.
- 6.3.3. Construction and Connection: All contractors and subcontractors performing construction of a line shall be approved by the District Manager prior to commencing work. Connection shall be made by bonded, licensed plumbers or pipe layers, but plumbing work by a licensed master plumber may be performed through journeymen plumbers or apprentices under their direction. The District assumes no responsibility for work performed by general or subcontractors or their agents, or others.
- 6.3.4. Inspections: A line's installation and connection is subject to District inspection under Section 11. A line shall be deemed ready for inspection when the entire line from the building to the public system, the curb stop, valves and other appurtenances are entirely exposed and accessible and a trench box is in place. A line's connection and testing shall be made under the supervision of the District Manager or a representative of the District. A connection shall be made within one (1) year of a satisfactory inspection, subject to extension by the District for good cause shown, as the District may determine, or it will be subject to reinspection and payment of applicable fee(s) and costs.
- 6.3.5. Repair: Damage to a line shall be repaired within seventy-two (72) hours of discovery by the property owner or notice to property owner from the District. If repair is not commenced within seventy-two (72) hours' notice from the District, the District may undertake repairs and the property shall be charged back all costs, or the District may shut off or disconnect service. If damage to a main occurs for any reason during new installation, replacement, or repair of service lines, property owner is responsible for all costs incurred by the District to remedy such damage. In extreme cases of threat to public health, safety or environment, the District reserves the right to shut off or disconnect services immediately and to provide subsequent notice to the owner. In the case of shut off or disconnection, a service line may be reconnected and service resumed upon payment to District of all applicable fees and costs, repair, and inspection.

- 6.4 Separate Service Lines: Except as otherwise provided herein, a separate and independent water service line and water meter assembly and a separate sewer service line with appropriate appurtenances shall be provided for and installed at

the expense of the property owner for each building, and if applicable, residential unit.

- 6.4.1. Commercial Structures and Multi-Unit Residential Structures: Each non-residential structure hereafter constructed and each multi-family residential structure shall have an individual service line (with water meter assembly or sewer line appurtenance, as required) and a separate tap permit and connection for each unit in the structure.
- 6.4.2. Interior Lots: In existing neighborhoods, a single service line may be allowed where one building stands at the rear of another on an interior lot and no separate service line is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. No request for allowance of a single service line will be considered unless the applicant provides all necessary easements and a joint usage agreement in a form acceptable to the District. By approving a single service line, the District does not assume any obligation or responsibility for damage caused by or resulting from use of the single connection.
- 6.4.3. Shared Service Lines: In the event the District permits a shared service line, the District shall not be responsible for any manifold water distribution to multiple units or shared sewer service lines and shall require written agreement that includes policy and procedure for maintenance and repair of shared service lines.

## Section Seven

### 7. MAIN LINE EXTENSIONS

- 7.1 Requirements: A proposed customer seeking service requiring the construction or extension of a water or sewer main shall submit to the District an application for a main extension permit and pay all required fees and costs. No excavation or construction work shall be commenced in connection with the main line until a main line construction permit has been issued by the District. Main line extensions shall have a performance bond assigned to the District. All work not performed by the District shall be warranted as set forth herein. Installation of a main line is prohibited between October 1<sup>st</sup> and April 15<sup>th</sup> unless such installation is approved by the District in writing.
- 7.2 Design and Construction Specifications: All main extensions, including special structures required to ensure proper operation of the extension, shall be designed and constructed according to the District's specifications, and under District supervision. Said specifications shall comply with the District's construction specifications, unless provided otherwise. Prior to the District's acceptance of the extension, reproducible as-built drawings shall be provided, or reasonable provision made therefor.

- 7.3 Location of Extensions and Additions: When possible, extensions shall be installed in roads or streets, which the County or State Highway Department or other public agency has accepted as public right-of-way, and in easements granted to the District. Where water and sewer mains cannot be installed in a street, private drive or common area, and must be installed in easements between adjacent pieces of property, the main will terminate at the point determined by the District.
- 7.4 Conveyance of Title and Easements: The District shall be deeded main line extensions, associated easements and all appurtenances free and clear of all liens and encumbrances. Prior to construction of a main line extension, the property owner shall plat and grant to the District appropriate easements and rights-of-way necessary to construct, operate and maintain the same. All easements shall be prepared, reviewed, and recorded at the proposed customer's expense.
- 7.5 Main Extension Construction by the District: All main extensions which are, by the terms and conditions of a main extension permit, to be constructed by the District shall be the responsibility of the proposed customer and/or developer.
- 7.6 Main Extension Construction by the Applicant: All main extensions which are, by the terms and conditions of a main extension permit, to be constructed by the applicant, shall be contracted for by the applicant with the contractor installing the lines being responsible to the applicant. Nothing in this section shall be construed to negate the requirements that design and construction comply with the District's Rules and Regulations in their entirety and construction shall be under the District's supervision at the applicant's expense. Upon completion of the work, the final cost to applicant to construct the main extension shall be certified to the District's Manager. The applicant and contractor shall be responsible for the repair and cost thereof to any damage caused to a main line by such extension work.
- 7.7 Inspection: During construction or extension of main lines by applicant, the District's Manager shall be notified, prior to back filling, when the main line is ready for inspection and approval pursuant to Section 11 of these Rules and Regulations.
- 7.8 Board Discretion Concerning Extensions: Notwithstanding any provision herein, the District may, in its sole discretion, extend mains or approve extension under such conditions as the Board deems appropriate and may be carried out in the form of a main extension and/or construction agreement by and between the District and the applicant.

### **Section Eight**

## **8. USE OF PUBLIC WATER SYSTEM**

- 8.1 Policy: The public water system of the District is primarily designed to supply water for fire, domestic, and light commercial purposes and to provide limited opportunities for irrigation. Use of water for manufacturing or industrial use is not intended and may be curtailed as necessary to preserve water for the District's inhabitants and visitors. Excessive water usage for any purpose likewise may be curtailed as set forth in these Rules and Regulations or as otherwise deemed necessary by the Board. Water is provided, measured, and billed on a quarterly basis. Unused water supply provided in one quarter may not carry forward to a subsequent quarter.
- 8.2 Backflow Prevention and Control: Every customer shall abide by the industry's standards for the prevention and control of hazardous cross-connections and protect the public water system from avoidable contamination. Every customer also shall comply with all current International Plumbing Code (IPC) and Uniform Plumbing Code (UPC) codes related to cross-connection control regulations. Refer to Appendix E – Backflow Prevention and Cross Connection Control Ordinance.
- 8.3 Residential or Commercial Sprinkler Systems: Fire suppression systems shall be shown on building plans, include appropriate backflow prevention and are subject to approval by the District. The customer shall inspect a fire suppression system on an annual basis, or as otherwise requested by the District. Availability and any subsequent use of fire suppression water is free of charge to end users. Tap fees and service fees shall not apply to a fire suppression system. All fire suppression systems are privately owned, and in a multifamily structure, the system shall be the responsibility of the homeowners association.
- 8.4 Resale of Water: The resale of District water by customers is prohibited.
- 8.5 Water Conservation: Water supplied by the District shall be used only for beneficial uses. Waste of water, including but not limited to leaky fixtures, shall not be permitted. What constitutes waste of water shall be determined by the District Manager, unless otherwise determined by the Board.
- 8.6 Conservation Orders: The District has adopted the Grand County Drought Preparedness Plan as of July 14, 2021, attached as Appendix H. Upon a determination by the Board or the District Manager that the District is facing an immediate shortage in its supply of water which threatens the health, welfare, and safety of the inhabitants and visitors of the District and which requires immediate action, the Board or the District Manager is empowered to institute orders regulating or curtailing uses of water by those served by the District's water system. If necessary, the Board or the District Manager may order immediate complete curtailment of non-domestic use, and limit in-house use, of water from the District's facilities. Any conservation orders shall be uniformly applied to all similarly situated water customers within the District's service area. Nothing herein shall be construed to prevent the District from regulating different

categories of water users differently. These conservation orders may be modified as the conditions causing the water shortage change.

8.6.1. Effective Date of Conservation Orders: The conservation orders shall be effective immediately. The District may, as determined by the Board, provide notice of a conservation order on its website, by publication, and/or on an invoice or other mailing to a customer.

8.6.2. Public Meeting to Discuss Conservation Orders: If issued by the District Manager, the Board shall conduct a public meeting on the water conservation order as soon as reasonably possible. At the public meeting, the Board shall receive public comments and staff recommendations with respect to the water conservation orders, and shall determine what modifications, if any, need to be made to the orders. If any material modifications are made to such orders, the District shall provide notice thereof. All such orders or revised orders shall remain in effect until such time as the water shortage problem is determined by the Board or Manager to have ended and notice thereof is given as provided in this section.

8.7 Use of Water Conservation Devices Encouraged: The District encourages the use of water conservation devices for all properties served.

8.8 Enforcement: Every customer shall be responsible for compliance with the above-mentioned prohibitions, conservation orders, and proscriptions against waste. Violations, as determined by the District Manager, will subject the violator to fines and penalties, as may be adopted by the Board. Violation by a guest, tenant, or other invitee of the customer shall not be accepted as a defense so as to limit the District's right to impose fines, charges or other penalties or to exercise its statutory lien rights against the property served.

## Section Nine

### **9. USE OF PUBLIC SEWER SYSTEM**

9.1 Policy and Prohibition: The public sewer system of the District is primarily designed for the disposal of domestic and light commercial waste and not for disposing of manufacturing or industrial waste. Except as hereinafter provided, no person shall discharge, or cause to be discharged, into any sewer main, any special or prohibited sewage (as herein defined) or any harmful, injurious or deleterious waters or wastes, whether liquid, solid, or gas capable of causing obstruction to the flow in sewer, damage or hazard to structures, equipment and personnel of the sewage treatment works, or other interference with the proper operation of the sewage treatment works.

9.2 Classification of Sewage: This section of the Rules and Regulations shall provide the basic policies of the District for classification of sewage and for control of

discharge of sewage into the sanitary sewer system. It shall be the policy of the District to classify sewage into three main categories termed "normal (residential) sewage," "special (commercial/industrial) sewage," and "prohibited sewage" as hereafter defined. The classification of sewage shall be the responsibility of the District and shall follow recommended procedures of CDPHE and, subject to approval of the Board, shall be final and binding.

9.2.1. Normal Sewage: Normal sewage shall mean sewage which can be treated at the District's sewage treatment works without pre-treatment and within normal operating procedures, and which, when analyzed, shows by weight a daily average of not more than 300 mg/L of suspended solids and not more than 250 mg/L B.O.D. (Biochemical Oxygen Demand), and other parameters as listed in Appendix C Pretreatment.

9.2.2. Special Sewage: Special sewage shall mean sewage which does not conform to the definition for normal sewage, but which can be treated by the District after pre-treatment by the customer or by utilization of special operating procedures by the District at the sewage treatment works. Special sewage is further defined in Section 9.3.

9.2.3. Prohibited Sewage: Prohibited sewage shall mean any sewage, which may be reasonably anticipated to have a deleterious and/or injurious effect upon the sanitary sewage system, or any persons or property and therefore, in the sole discretion of the District, cannot be serviced by the District. Prohibited sewage is further defined in Section 9.4.

9.3 Special Sewage: The discharge or introduction into the public sewers of any special sewage shall be subject to the review and prior approval of the Board, which may prescribe limits on the strength and character of such sewage. By way of example and not limitation, the following shall be considered special sewage: water drained from swimming pools and Jacuzzis (spas, hot tubs), sewage from restaurants, bakeries, and food handling facilities, sewage from commercial operations including greenhouses, repair shops, and paint shops.

9.3.1. Pre-Treatment: Where necessary, in the sole discretion of the Board, the owner shall provide, at his expense, such pre-treatment facilities as may be necessary to treat such special sewage prior to discharge to the sewer mains. Plans, specifications, and any other pertinent information relating to proposed pre-treatment facilities shall be submitted for the approval of the District and of the CDPHE, and no construction of such facilities shall be commenced until such approval is obtained in writing. Where pre-treatment facilities are provided for any special sewage, they shall be maintained continuously in satisfactory and effective operation by the owner, at the owner's expense. Refer to Appendix C – Pretreatment Regulations and Appendix D – Best Management Practices.

- 9.3.2. Grease, Oil and Sand Interceptors: Grease, oil and sand interceptors of a design recommended by the CDPHE, Uniform Plumbing Code, or the District and/or Manager shall be provided when, in the sole discretion of the District and/or Manager, are necessary for the proper handling of special sewage or liquid wastes containing grease in excessive amounts, generally greater than 100 mg/L or sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner(s) at their sole expense, with continuously efficient operation at all times. The use of emulsifiers for the purpose of dissolving grease and oils is prohibited. Refer to Appendix C – Pretreatment Regulations.
- 9.3.3. Control Manhole: The owner of any property served by a service line carrying special sewage shall install and maintain, at the owner's expense, a suitable control manhole in the service line to facilitate observation, sampling and measurement of the wastes. All measurements, tests, and analysis of the characteristics of waters and wastes shall be at the owner's expense and determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" and shall be determined at the control manhole, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest down-stream manhole in the sewer main to the point at which the service line is connected.
- 9.4 Prohibited Sewage: Except as may specifically be allowed by prior written agreement approved by the Board, the admission of industrial, manufacturing, and other prohibited sewage by any person into the public sewer system is strictly prohibited. For purposes of this section and without limiting the generality of the term "prohibited sewage," prohibited sewage shall include:
- 9.4.1. Any water or waste from any foreign source, regardless of composition, in an amount that is detrimental to the sewage system due to its interference with the District's volume capacity and with the biological processes necessary for proper treatment.
- 9.4.2. Any storm water, ground water, roof runoff, sub-surface drainage, cooling water, unpolluted industrial process waters, water accumulation in excavations or as a result of grading, or other clear water injected into the sewage system by means of a drainage collection and/or pumping system.
- 9.4.3. Any gasoline, benzene, naphtha, fuel, oil, or other flammable or explosive liquid, solid or gas, fertilizers, pesticides, herbicides, lubricating oil, diesel fuel, other hydrocarbon fuels, antifreeze, paint or organic solvents.
- 9.4.4. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to

contaminate the sludge of any municipal system, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works, including prescription drugs.

9.4.5. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage treatment works.

9.4.6. Solid or viscous substances in quantities or of such size capable of causing obstructions to the flow in sewers or other deleterious effects on the sewer system and interference with the proper operation of the wastewater facilities such as, but not limited to, normal sink garbage, which has been ground, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch, manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

9.5 Analysis of Sewage: The District Manager or Manager's designee shall be responsible for all sampling, testing, analysis and classifying of sewage. The Manager may accept owner's chemical analysis. Testing and analysis shall be determined in accordance with "Standard Methods for the Examination of Water and Wastewater" latest edition. Results of tests shall be made available to the customer at the District office.

9.6 Sewer Line Maintenance: Sewer lines shall be maintained to prevent inflow and infiltration. Any cost to the District resulting from inflow and infiltration or any jetting of a service line, shall be the property owner's responsibility.

9.7 Enforcement: Every person shall be responsible for compliance with the above-mentioned prohibitions and proscriptions against waste. Violations, as determined by the District Manager, will subject the violator to fines and penalties, as may be adopted by the Board. Violation by a guest, tenant, or other invitee of the customer shall not be accepted as a defense so as to limit the District's right to impose fines, charges or other penalties and to exercise its statutory lien rights against the property served.

## Section Ten

### **10. PERMITS, FEES AND CHARGES**

10.1 Policy: All classification, rates, charges and other fees to be imposed for services provided by the District shall be established from time to time by the Board. The Board may also establish separate and different classifications, rates, charges and other fees for services which the District may choose to provide to customers

outside the District boundaries. The classifications, rates and charges as shown in Appendix A shall remain in effect until modified by the Board under the provisions of these Rules and Regulations and under the applicable statutes of the State of Colorado.

- 10.2 Type of Service Rates: Water service shall be metered by the District and subject to service rates established by the Board. Service rates for sewer service shall be at a flat rate, except commercial service of unusual characteristics shall be subject to metered water use and special sewage requirements. The cost of all such metering equipment shall be paid by the applicant for the service.
- 10.3 Classification of Customers: For the purpose of imposing fair, reasonable, uniform and equitable charges, the following classifications and appropriate definitions are provided.
- 10.3.1. Single-Family Property: A single-family lot shall be construed as a lot containing or which may contain a living unit suitable for occupancy of one or more individuals of a family, comprising either a separate and unattached structure from any other dwelling unit, or a dwelling unit joined to another by an architectural feature, for example, a patio home. Such lot shall be allowed irrigation water during the second and third quarterly billing periods, as may be determined by the Board.
- 10.3.2. Multi-Family Property: Multifamily property shall be property that contains or which may contain a single structure or structures wherein more than one customer exists, as for example, townhomes, condominiums and apartments. Multi-family units shall not be allowed irrigation water or outside uses. Irrigation of any common areas shall be through a separate irrigation permit and metered connection held by the applicable homeowner or property owner association.
- 10.3.3. Commercial Property: Property containing or which may contain buildings and/or personal property for a commercial enterprise, and which are not described in the classifications above. Irrigation on commercial property is generally prohibited. If permitted by the District, any irrigation on commercial property shall be through a separate irrigation permit and metered connection. Irrigation water allocated to a single-family property shall be prorated by quarter and made available to commercial property for indoor use. The EQR set forth in a tap permit issued to commercial property or a building thereon may be reallocated to other buildings or adjacent property under common ownership upon written request to the District. Commercial property with an independent water source shall be required to install a District-approved meter for water use monitoring.
- 10.3.4. All Other Categories: All other categories of use shown on the rate schedule attached hereto as Appendix A shall be given their customary

meanings. Any controversy concerning definition of categories shall be resolved by the District in its sole discretion.

10.3.5. Unclassified Service: Whenever a structure represents a classification not contemplated by these Rules and Regulations, the Board, in its sole discretion, shall establish fair, reasonable and equitable fees and charges for said structure.

10.4 Tap Permit: Any person requesting service shall file a tap permit application and pay the appropriate tap fee no later than the date set forth in Section 10.4.4 below. For all structures other than single-family residences, building plans shall be submitted which contain the requirements for irrigation, if any, potable water, fire protection and sewer. Upon approval by the District, a tap permit number and certificate will then be issued to the owner, including a description of the property, size of the metered connection, and EQR capacity to be served. In every case, no service shall be allowed until a tap fee has been paid.

10.4.1. Temporary Tap Permit: The Board may allow, in its sole discretion, connections to provide temporary water and/or sewer service if it determines that good cause for such connection has been shown. Persons seeking temporary service from the District for property within the District shall submit an application for a temporary tap accompanied by the appropriate fee, which shall be set forth by written agreement. The payment of such fee shall be nonrefundable but, if determined by the District, may be credited to a permanent tap purchase. Upon approval by the District, a temporary tap permit will be issued. A service charge fee for a temporary connection will be imposed in the same manner as it would, had the connection been permanent, however, the Board may determine equitable fees or rates for temporary service on a case-by-case basis when necessary to consider the impact on the District of providing temporary service. A temporary connection privilege shall terminate on the date set forth in the temporary permit, unless the District determines to extend the privilege in writing. Unless the Board determines otherwise, all requests for service for a period exceeding one (1) year shall be deemed as being for a permanent purpose.

10.4.2. Tap Permit Fee: A water and sewer tap permit fee shall be charged to all customers of the District and shall be paid before a tap permit is issued, whether for a permanent or temporary tap. Tap fees for both permanent and temporary purposes, as calculated to recover all expenses and costs associated with providing water or sewer service, shall be assessed as provided for in Appendix A – Schedule of Fees and Charges. Tap fees for temporary and permanent purposes shall be non-refundable.

10.4.3. Tap Size: The tap size shall be determined by the size of the metered connection.

10.4.4. Payment of Tap Fee: Subject to individual agreements with the District to the contrary, all tap fees due to the District shall be paid no later than the date on which: a building permit is issued for property within the District or new property is included within the District, as applicable. The District may, at its sole discretion, permit a service line connection to a main prior to payment of a tap fee where developers or proposed customers pre-install service lines prior to road paving.

10.4.5. Amended Tap Permit:

10.4.5.1. Residential and Multi-Family. Anytime a tap permit has been issued to Residential Property or Multi-Family Property, and subsequent thereto the meter size is changed, a change to the property increases EQR as set forth in Appendix A – Schedule of Fees and Charges, or the actual use of water or sewer service exceeds quantities allocated to the EQR in a property’s tap permit for four or more successive quarters, the owner shall apply for an amended tap permit and pay such additional fees as applicable. Any such change under a tap permit issued on or after January 1, 2025, or, in the case of a tap permit issued prior to such date, any change made after January 1, 2025, shall be subject to an amended tap permit application and fees. Notwithstanding the foregoing, if a tap permit is issued prior to January 1, 2025, but no connection or construction on the property has commenced, the property is not required to apply for an amended tap permit in order to construct a single family residence.

10.4.5.2. Commercial. Commercial Property tap permits shall be reassessed on an annual basis. Upon such reassessment, if the actual average water use over the prior four quarters exceeds the level of service allocated to the EQR in a tap permit, the owner shall apply for an amended tap permit and pay such additional fees as applicable.

10.4.5.3. No Amendment for Minor EQR Increases. An amended tap permit shall not be required unless an EQR Increase is greater than or equal to 0.25 EQR.

10.4.6. Assignment: If a tap permit certificate is issued prior to a property’s subdivision or if the subject property is being replatted, the capacity set forth in the certificate may be reallocated to platted lots in accordance with Appendix A – Schedule of Fees and Charges.

10.4.7. Abandonment: If a property has been issued a tap permit and certificate, the owner of the property may abandon such permit and certificate and all rights and obligations thereunder by delivering written notice of

abandonment to the District. Upon abandonment, the property shall not be subject to subsequent quarterly service fees for such tap permit.

- 10.5 Irrigation Tap Permit and Fee: Prior to installing a separate water connection to the public main for an irrigation area, the owner shall apply for an irrigation tap permit. For multifamily dwelling property, an irrigation tap permit shall be issued to the common interest or owners' association responsible for the maintenance of common area landscaping. For commercial property, the Board may, in its sole discretion, grant or deny such application and determine a tap fee and service rates based on the proposed irrigation use. See Section 5.5.
- 10.6 Fire Hydrant Use Permit: Prior to using a District fire hydrant for the purpose of taking water from the District's water system, the person seeking such service shall apply for a Fire Hydrant Use Permit and pay the required permit fee. A copy of the permit executed by an appropriate District official must be onsite anytime a fire hydrant is being used. The District's policy and procedure for the proper use of District fire hydrants is incorporated within the Fire Hydrant Use Permit and is attached as Appendix F of these Rules and Regulations. The East Grand Fire Protection District is exempt from this permit requirement.
- 10.7 Construction Water Use: Upon written request and approval, a property with an issued tap permit may make a temporary metered connection for the purpose of using water for construction on the property. Such connection shall be made and observed by the District as set forth in Section 10.8. A person seeking connection to a fire hydrant for construction water shall apply for a Fire Hydrant Use Permit as set forth in Section 10.6.
- 10.8 Connections:
- 10.8.1. Fees to be Paid: No connection to the District's system shall be made by a customer until the appropriate tap fees, inspection fees, performance bonds and guarantees, fees for water meter installation and initial meter reading, if applicable, have been paid, and funds estimated to cover the cost to the District associated with the connection deposited with the District. No new services shall be furnished to the customer until all outstanding fees and charges as herein provided, have been paid to the District. A connection may be observed and inspected as part of a service or main line inspection for no additional charge. Any connection that is not part of a service or main line inspection shall be subject to payment of an inspection fee.
- 10.8.2. Connection: A connection to the District's system shall be made upon written application to the District, whereafter a date and time shall be agreed to by the District and applicant for the District to observe and inspect the connection. If a connection is made without the District present, the connection shall be subject to immediate inspection and/or disconnection by the District at the property owner's expense.

10.9 Main Line Extension:

10.9.1. Fees to be Paid: No main line extension shall be constructed until a main line extension agreement is approved, performance bonds and guarantees have been paid, and funds estimated to cover the cost to the District associated with the main line extension deposited with the District, including but not limited to any engineer review and inspection costs.

10.9.2. Main Line Extension Application: No main line extension will be approved until an application form properly completed and signed has been filed with the District by the owner(s) or its agent. Prior to approval of the application, the applicant shall submit and have approved by the District the engineering design and construction plans for the proposed extension. The Board may give preliminary approval of an application, based upon terms and conditions which may allow design and construction specifications to be agreed upon by the District Manager.

10.10 Associated District Construction and Facility Costs: All costs of new construction, reconstruction or expansion of any water or sewer system facilities, including all associated planning, engineering, administration and attorney's fees, which are necessary to provide new, different or additional water or sewer service within the District's service area (including but not limited to service lines, main lines and water or sewage treatment works), shall be paid by the proposed applicant customer(s) or owner(s) of the property or building to be served and causing such costs. After approval of an application, but prior to the issuance of any necessary permits or commencement of any such work, the applicant shall deposit with the District sufficient funds to cover all of the District's estimated costs associated with such work. In the event the original deposit is insufficient, the applicant shall, upon notice, immediately deposit the balance due with the District in order to pay for completion of the work. Upon completion of the work the final cost shall be certified by the District's Engineer and District Manager and any surplus refunded to or deficiency made up by the applicant. All inspection fees required by any governmental authority shall be paid by the applicant, or the licensed plumber, contractor or others doing work within the District.

10.10.1. Performance Bonds: Any person constructing water or sewer system facilities to be conveyed to the District, within the public right-of-way, or within any public or private easement granted to the District for such purpose, shall furnish to the District a payment and performance bond equal to one hundred percent (100%) of the construction cost. When the owner is to be responsible for such construction, such bond shall hold the District harmless for payment to the contractor. The property owner or proposed customer shall indemnify the District for any loss or damage that may directly or indirectly be occasioned by the installation of the water or sewer facility.

10.10.2. Guarantee: Prior to acceptance by the District, any person constructing water or sewer system facilities to be conveyed to the District, within the public right-of-way, or within any public or private easement granted to the District for such purpose, shall guarantee or cause its contractor to guarantee to the District the construction against faulty workmanship and materials associated with such construction for a period of two (2) years after acceptance by the District. A guarantee of all maintenance for two (2) years from the date of acceptance by the District of the facilities shall also be provided. A performance and maintenance bond or other security acceptable to the District shall be furnished as such a guarantee. Inspection and approval by the District of any such facilities, including the design thereof, shall not relieve the guarantor from compliance with these provisions. The term of the performance and maintenance bond shall commence initial inspection and upon a written acceptance by the District and shall expire upon the District's final inspection and written acceptance, which shall take place no sooner than two (2) years from the date of initial acceptance. All inspections and warranty work shall be at the expense of the property owner, and if repairs or replacements are necessary prior to final acceptance, the District may require an extended bond for the same, which shall not exceed two (2) years.

10.11 Unauthorized Tap Connection Fee: An unauthorized tap connection penalty shall be payable by persons or property connecting to District facilities without prior payment of tap fees or other fees, approval of a connection or adequate inspection. Should the District determine that disconnection, or turning off of service, is necessary because of the unauthorized connection, prior to reconnection or turning on service, all unauthorized connection fees, any other outstanding fees or charges, a reconnection fee, and all costs associated with such disconnection and reconnection must be paid.

10.12 Service Charges: Upon payment of the tap fee and issuance of a tap permit, water and sewer service charges shall commence unless a different commencement time is established by written agreement. Service charges shall continue notwithstanding any disconnection of a service line. Service charges will be invoiced to the owner of the property, sent to the address of record or as otherwise directed by the property owner. All fees and charges run with the land and constitute a perpetual lien on the subject property. When a condominium association exists for a number of units receiving service from the District through one or more common meter(s), said condominium association shall receive a water bill for each metered account and a sewer service bill for each unit served by the condominium association. In no event shall the District bill the owners of individual units within a condominium unless service to each unit is metered separately.

10.12.1. Calculation of Service Charges:

- 10.12.1.1. Residential and Multi-Family. Service charges for Residential Property and Multi-Family Property shall be based on the EQR set forth in a tap permit and the Schedule of Fees and Charges attached hereto as Appendix A.
- 10.12.1.2. Commercial. Service charges for Commercial Property shall at a minimum be based on the EQR set forth in a tap permit. If actual use in any quarter exceeds the allocated use based on the EQR set forth in a tap permit, the service charges shall be based on actual use pursuant to the Schedule of Fees and Charges attached hereto as Appendix A.
- 10.12.2. Surcharge for Special Sewage: A surcharge fee will be assessed on the discharge of special sewage as defined in Section 9.2.2 and Appendix C – Pretreatment, as determined by the District.
- 10.13 Disconnection Fee: Whenever service is turned off or disconnected due to an enforcement of violation of the District Rules and Regulations, a disconnection fee shall be charged, as may be provided in the Schedule of Fees and Charges attached hereto as Appendix A. A disconnection fee is not charged for a voluntary disconnection made at the request of an owner.
- 10.14 Reconnection Fee: When service has previously been turned off by the District due to a violation, a turn-on-service fee shall be charged prior to the District's turning on service. A turn-on-service fee shall not be charged when service has been voluntarily turned off at the request of the customer.
- 10.15 Account Transfer Fee: When a property with metered service is sold to a new owner a transfer fee is assessed to the property for the costs associated with reading the meter and required administrative time.
- 10.16 Service Charge Authority: As determined to be necessary by the Board, the District may impose any charge authorized under Title 32, Colorado Revised Statutes.
- 10.17 Billing Procedure:
- 10.17.1. Service Charges: Statements for service charges shall be rendered to the property owner quarterly and in advance. Payments not received at the office of the District or online by the close of business on the 30th day after billing, are past due and delinquent.
- 10.17.2. All Other Charges and Fees: Except as in accordance with applicable law, specifically provided by written agreement between the District and an owner, tap permit fees, inspection fees, connection fees, fees for water meter installation and initial meter reading, performance bonds and guarantees, funds estimated to cover the cost to the District associated with any construction, and all other fees and charges are due

prior to the District's issuance of an approval or permit, or as otherwise directed by the District.

- 10.17.3. Delinquent Charges: A monthly delinquency charge of fifteen dollars (\$15.00) shall be assessed on an account on the first day of each month if payment of a quarterly service charge is delinquent. In no event shall a delinquency charge be imposed if such charge is on its own or, when combined with prior delinquency charges for a given quarter's delinquent service charge, would exceed twenty-five (25) percent of the amount of the delinquent service charge that is due and owing. Only delinquency charge(s) imposed for a given quarter's delinquent service charge shall be used for purposes of calculating the twenty-five percent limitation. A fraction of the fifteen dollar (\$15.00) delinquency charge shall be assessed if necessary to avoid exceeding the twenty-five percent limitation. Delinquency charges for quarterly service charges must be paid prior to applying a full or partial payment to the associated quarterly service charges. If full payment of the most recent quarterly service charges is made on or before the invoice date for the following quarter's service charges, the delinquency charge(s) assessed on the most recent quarterly service charges shall be waived. In addition, the District may certify the entire delinquent amount due (including delinquency charges) to the Grand County Treasurer in accordance with the Grand County guidelines and Section 32-1-1101(1)(e), C.R.S. or initiate lien foreclosure proceedings in the same manner as provided by Colorado Law for the foreclosure of mechanics' liens.
- 10.17.4. Liens for Unpaid Charges and Fees: All charges and fees ultimately are the responsibility of the subject property, and shall be a lien upon the property to which said service is provided and shall be a perpetual charge against such property until paid.
- 10.17.5. Returned Check Fee: Any check or other negotiable instrument tendered to the District for payment which is returned to the District and dishonored for any reason whatsoever shall be subject to a return check fee.

## Section Eleven

### 11. INSPECTIONS AND ACCEPTANCE

- 11.1 Powers and Authority of Inspectors: The District and District Manager, the Director of the Colorado Water Quality Control Division, the United States Environmental Protection Agency Regional Administrator, and their authorized representatives bearing proper credentials and identification shall be permitted to enter all private and public properties where the District holds an easement or where water and sewer facilities are located for the purposes of testing related to

discharge to the public system, inspection, observation, measurement, sampling, repair, maintenance, and related matters.

- 11.2 Construction Inspections: The District Manager or designee shall have the right to inspect any and all work during construction to insure installation in accordance with District standards. Under no circumstances shall the District be required to undertake inspection if the applicant is in violation of these Rules and Regulations, by virtue of non-payment of fees or otherwise, in connection with the property for which the inspection is requested or any other property within the District.
- 11.3 Notice to District: When a service line connection or installation, main extension, or other improvement requiring District inspection is ready for inspection, notice shall be provided to the District Manager in writing and a date and time for inspection shall be scheduled.
- 11.4 Inspection: The District shall either approve, without or without conditions, or deny an inspection. If approved with conditions, the applicant must complete the conditions and verify the same to the District prior to approval taking effect. If denied, the District shall provide a list of corrections that must be performed prior to reinspection.
- 11.5 Initial Acceptance: Any facility dedicated to the District shall receive initial acceptance upon satisfactory inspection and approval, dedication, and guarantee of the same as set forth herein.
- 11.6 Final Acceptance: The District shall issue final acceptance of dedicated facilities upon satisfactory inspection after the two (2) year guarantee period, or any extension thereof, is complete and it has received payment of all associated fees and costs.

## Section Twelve

### **12. ENFORCEMENT**

- 12.1 Prohibitions: No unauthorized person shall turn on service from, uncover, make any connection or reconnection, open, extend, use, alter, or otherwise disturb any public water or sewer mains or appurtenances. Throughout the content of these Rules and Regulations, various prohibitions are listed and described under their appropriate section.
- 12.2 No Waste: The District will not tolerate the waste of water or failure by a property owner to fix leaks or fixtures causing stress on the District's water system.
- 12.3 Violations: In case of violation of these Rules and Regulations, the District may revoke service, disconnect, turn off service, require the responsible person to disconnect, or require the responsible person to return the District's system to its

original condition, and shall require payment of all applicable fees and charges provided by these Rules and Regulations and all costs associated with the violation, including any expenses, losses, damages or attorney's fees occasioned by such violation by the responsible person and/or property. Such payment shall be provided to the District prior to the District providing any service to any property. This section shall not be construed to limit the rights of the District to pursue other fees, charges, remedies or forms of relief provided in these Rules and Regulations and by other applicable law.

- 12.4 Misdemeanor Offenses: Pursuant to Colorado law, a person that maliciously, willfully, or negligently breaks, damages, destroys, uncovers, defaces or tampers with any portion of the District's water or sewer system, or takes water from the District's system, including fire hydrants, without written authorization, may be charged with a misdemeanor, and upon conviction thereof, may be fined in an amount as established by the court for each violation, along with whatever additional penalties as may be appropriate.
- 12.5 Shut Off and Disconnection: If a violation is not cured within seventy-two (72) hours of a written notice from the District, or such other time as may be set forth in a violation notice, the property shall be subject to shut off and disconnection. The District may shut off and disconnect service upon the delivery of written notice of the same and a failure to cure the violation with seventy two (72) hours of such notice. If a violation is repeated three (3) or more times in a calendar year, the Board may impose additional penalties and fines. Additionally, where a violation creates an immediate risk of harm to the public systems or the inhabitants of the District, service may be suspended or disconnected immediately with subsequent notice provided to the property owner. If a property's violation renders the District unable to perform certain maintenance without shut off or disconnection, the District may temporarily shut off or disconnect service. In all such cases, in addition to applicable fines and penalties, the property shall be subject to the District's inspection, disconnection and reconnection charges, as applicable, all of which shall be paid in order to reinstate service.
- 12.6 Revocation of Service: Service shall be revocable when the District determines that an emergency exists and such revocation is necessary to protect the health, safety and welfare of the inhabitants and visitors of the District. The service shall remain revoked until the District determines that such revocation is not necessary to protect health, safety and welfare.
- 12.7 Notice and Hearing: In all cases except those specifically described herein or involving an imminent hazard to the health, safety and welfare of the inhabitants and visitors of the District, or to the District's water or sewer systems, an owner or customer shall be given due notice of the opportunity to request a hearing prior to shut off, disconnection or termination of service. Any such hearing request shall be made in writing to the District Manager within three (3) days of receiving such notice. Such notice shall be deemed to have been received by the owner or customer upon the delivery of such notice to the owner's or customer's residence

or business if located within the District and mailing notice to the owner's or customer's billing address, or if the owner neither resides nor does business within the District, three (3) days after mailing of notice to the owner's billing address. Said hearing shall be held by the District at a regular meeting or special meeting of the Board at which time the owner or customer shall have an opportunity to present testimony and evidence to the Board. Following said hearing, the Board's decision shall be final.

- 12.8 Costs: Any costs to the District that arise from a violation shall be the responsibility of the property and customer causing the violation.